

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 02-0418P

Adjusted Gross Income Tax

For Fiscal Years Ended September 30, 1995 and September 30, 1996

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE(S)

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer protests the proposed penalty assessment for failing to report Federal RAR adjustments. Taxpayer was audited for Fiscal Years 1998 through Calendar Year 2000. During the audit it was determined that final resolution with the Internal Revenue Service was on March 26, 2001 but the taxpayer failed to report the RAR adjustments to the Indiana Department of Revenue.

Taxpayer filed a penalty protest letter dated August 8, 2002 that merely requests a penalty waiver.

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DISCUSSION

Taxpayer merely requests a penalty waiver and provided no reasons.

Taxpayer did not notify the Department as required under 45 IAC 3.1-1-94 and IC 6-3-4-6 which state that the taxpayer file a notice, on a form prescribed by the department, within one hundred twenty (120) days after the modification is made.

Taxpayer has not provided reasonable cause to allow the Department to waive the penalty.

FINDING

Taxpayer's protest is denied.